

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY

FILED
NOVEMBER 6, 2009

GENERAL ORDER 09-13

In re: Social Security Actions

)
)
)
)
)
)
)
)
)

**STANDING SCHEDULING
ORDER**

* * * * *

The Court enters this general order for all social security actions. Pursuant to Local Rule 83.11(c), judicial review will be on written motion. It is **ORDERED** as follows:

- (1) Once the defendant has filed an answer and a certified copy of the transcript of the administrative record, the plaintiff must move for summary judgment or judgment on the pleadings within sixty (60) days. The plaintiff shall include a supporting memorandum that does not exceed 15 pages in length.
- (2) The Commissioner must file a counter-motion or a response to the plaintiff's motion for summary judgment within thirty (30) days of the filing of the plaintiff's motion for summary judgment or judgment on the pleadings. The Commissioner's counter-motion or response shall not exceed 15 pages in length.

(3) Motion practice shall be governed by Local Rule 7.1 except as otherwise provided in this order.

(a) **The Court shall deem a failure to respond to a motion in a timely fashion as a waiver and/or admission of its contents.** *See Humphrey v. U.S. Attorney Gen. Office*, 279 Fed. App'x. 328, 331 (6th Cir. 2008).

(b) **Issues Presented.** In order to assist the Court in understanding the plaintiff's claims, any motion for summary judgment or judgment on the pleadings **SHALL** include a statement of the legal arguments presented at the beginning of the motion. The statement shall set forth the plaintiff's arguments in a numbered list. [For example: (1) The ALJ improperly discounted the opinion of the treating physician.] The Court will consider only the arguments listed and will not formulate arguments on the parties' behalf. Failure to submit such a statement may constitute grounds for denial of the motion.

(c) **Specific Citations to the Record.** The parties shall provide the Court with specific page citations to the administrative record to support their arguments. The Court will not undertake an open-ended review of the entirety of the administrative record to find support for the parties' arguments. *See Hollon ex rel. Hollon v. Comm'r of Soc. Sec.*, 447 F.3d 477, 491 (6th Cir. 2006).

Failure to provide specific citations to the record may constitute grounds for denial of the motion.

- (4) Extensions of time, expansions of page limitations, or permission to file additional briefs may be granted only if good cause is shown.
- (5) Nothing in this Order shall preclude the presiding judge from hearing oral argument.
- (6) Effective immediately, the Clerk shall file a copy of this Order in all social security actions upon the filing of the answer and administrative transcript.
- (7) This General Order supersedes both General Order 07-05 entered on February 6, 2007, and also General Order 09-10 entered on October 28, 2009.

Signed on November 6, 2009



Jennifer B. Coffman

JENNIFER B. COFFMAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY